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19 VARIABLE ANNUITY LIFE INSURANCE COMPANY

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA

22 VARIABLE ANNUITY LIFE
23 INSURANCE COMPANY,

24 Plaintiff,

25 vs.

26 RICK BOYNTON and DOES 1 through
27 25,

28 Defendants.

AND RELATED COUNTERCLAIM

E-Filing
Case No. C06-04477 RMW PVT

STIPULATION AND ~~PROPOSED~~
ORDER FOR EXTENSION OF TIME TO
SERVE INITIAL DISCLOSURES
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 26

STIPULATION AND [PROPOSED] ORDER

1 WHEREAS the Court's November 16, 2006 Scheduling Order specifies that Initial
2 Disclosures shall be completed within 15 days of the signing of the Protective Order, which
3 Protective Order was subsequently signed by the Court on November 14, 2006;

4 WHEREAS Phillip J. Griego & Associates notified counsel for Plaintiff and Cross-
5 Defendant Variable Annuity Life Insurance Company on November 22, 2006 that it intends to
6 withdraw as counsel of record for Defendant and Cross-Complainant Rick Boynton as soon as
7 new counsel is secured;

8 WHEREAS attorney Stephen Robinson from the law firm of Payne & Fears LLP notified
9 counsel for Plaintiff and Cross-Defendant Variable Annuity Life Insurance Company on
10 November 27, 2006 that Payne & Fears LLP intends to substitute in as counsel for Defendant and
11 Cross-Complainant Rick Boynton in the next one to two days;

12 WHEREAS the parties agree that it is in neither party's interest to incur the time and
13 expense of preparing and serving Initial Disclosures by the currently scheduled date in light of the
14 fact that (1) doing so would require outgoing counsel Phillip J. Griego & Associates to perform
15 extensive legal work evaluating evidence at Defendant and Cross-Complainant Rick Boynton's
16 expense, which work will necessarily be duplicated by Defendant and Cross-Complainant Rick
17 Boynton's incoming counsel, Payne & Fears LLP; and (2) Defendant and Cross-Complainant
18 Rick Boynton will not have the opportunity to review or act upon the volume of documents
19 Plaintiff and Cross-Defendant Variable Annuity Life Insurance Company intends to produce until
20 Payne & Fears LLP has substituted into the action and had time to familiarize itself with the
21 factual and legal issues involved;

22 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Cross-
23 Defendant Variable Annuity Life Insurance Company, and Defendant and Cross-Complainant
24 Rick Boynton, through their respective counsel of record, that the date for service of Initial
25 Disclosures, pursuant to Federal Rule of Civil Procedure 26 and the Court's Scheduling Order,
26 shall be extended until 14 days after a Substitution of Counsel is filed and served by new counsel,
27 Payne & Fears LLP.

1 DATED: November 27, 2006

PHILLIP J. GRIEGO & ASSOCIATES

2
3 By: 
4 PHILIP J. GRIEGO

5 Attorneys for Defendant and Cross-Complainant
6 RICK BOYNTON

7 DATED: November 27, 2006

PAUL, HASTINGS, JANOFSKY & WALKER LLP

8
9 By: 
10 SARJU A. NARAN

11 Attorneys for Plaintiff and Cross-Defendant
12 VARIABLE ANNUITY LIFE INSURANCE COMPANY

13 **ORDER**

14 **IT IS SO ORDERED.**

15 DATED: November 29, 2006

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17 UNITED STATES DISTRICT COURT JUDGE
18 MAGISTRATE
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